IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

IN RE: WAL-MART WAGE AND HOUR EMPLOYMENT PRACTICES LITIGATION	MDL 1735 2:06-cv-00225-PMP-PAL (BASE FILE)
THIS DOCUMENT RELATES TO: ***Phelps v. Wal-Mart Stores, Inc., Case No. 05-00697.***	**STIPULATION CONFIRMING DISMISSAL**

Plaintiffs, by and through their undersigned counsel in these proceedings, hereby stipulate and agree as follows with respect to the dismissal of *Phelps v. Wal-Mart Stores, Inc.,* Case No. 05-00697 ("*Phelps*").

1. *Phelps* is one of the "Overlapping Actions" that is part of these consolidated MDL proceedings, and is one of the cases that is covered by the Settlement Agreement that was approved by the Court on November 2, 2009.

2. As an "Overlapping Action," the Settlement Agreement provides that the *Phelps* case shall remain stayed until the final approval of the settlement (without further right to appeal) of the action which corresponds to each Overlapping Action. Settlement Agreement, Section 3.1.2.

3. The action which corresponds to the *Phelps* case is the case of *Lisa Brown, et al v. Wal-Mart Stores, Inc.,* Case No. 01 L 85 (15th Judicial Circuit Court, Rock Island, Illinois) ("*Brown*"). The trial court approved the settlement of the *Brown* case on October 29, 2009, however, the portion of the approval order related to the award of attorneys' fees is currently on appeal before the Illinois Court of Appeals. Oral

argument has been held with respect to the appeal but it is unknown when the Illinois Court of Appeals will rule.

4. Notwithstanding the pending appeal in *Brown*, Plaintiffs agree that the stay of the *Phelps* case should be lifted and that the *Phelps* case should be dismissed with prejudice.

Dated this 10th day of January 2011.

Respectfully Submitted,

s/ Robert Bonsignore
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IT IS SO ORDERED:

By:______________________
PHILIP M. PRO
Chief United States District Judge

DATED: January 11, 2011.